HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 7312 OF 2007

DATE: 12.06.2007

BETWEEN

1. Manish Gupta S/o O.P. Gupta

....Petitioner

AND

1. Government of A.P. represented by its Sub-Registrar, Shamirpet, Ranga Reddy District and nine others

.... Respondents

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 7312 OF 2007

ORAL ORDER:

The petitioner claims to have entered into an agreement, with an ex-serviceman, the second respondent herein, his wife and children viz., respondents 3 to 8 to purchase an extent of Ac. 5 of land in S.No. 131 of Jawaharnagar Village, Shamirpet Mandal, Ranga Reddy District. It is stated that the petitioner filed O.S.No. 258 of 2006 in the Court of District Judge, Ranga Reddy District for the relief of specific performance of the agreement of sale. I.A.No. 627 of 2006 was filed under Order 39 Rule 1 CPC for grant of ad interim injunction against the respondents 2 to 8 to restrain them from alienating the suit schedule property. It is said to be pending.

The petitioner states that after the suit was filed, respondents 2 to 8 have executed a sale deed in favour of the respondents 9 and 10 on 17.4.2006 and presented the same before the first respondent for registration. He claims to have moved an application, in the trial court for impleading the respondents 1, 9 and 10 herein as parties to the suit as well as in the application filed under Order 39 Rule 1 for necessary relief and that notice was ordered to them. His grievance is that even while the steps taken by him in the suit are in progress, the first respondent is likely to release the document and prays for an order to restrain

the first respondent from releasing the document in favour of respondents 9 and 10.

Heard Sri P. Venugopal, the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Even according to the petitioner, he has moved the Civil Court for relief of specific performance of agreement of sale against respondents 2 to 8. A subsequent event has said to have been taken place in the form of execution of sale deed by respondents 2 to 8 in favour of respondents 9 and 10. The limited relief claimed in this Writ Petition is to restrain the first respondent from releasing the document, which was assigned a pending number. This Court finds it difficult to accede to the request of the petitioner.

Once the petitioner had moved the Civil Court for necessary relief on the strength of an agreement of sale, he has to work out all other related remedies and reliefs in that very suit. It is not as if the petitioner is helpless in the matter of preventing any registration,if it is to have an adverse effect on the Suit. Firstly, such a transaction would not be binding upon the petitioner and Section 52 of the Transfer of Property Act would take care of the situation. Secondly, the petitioner can move an urgent application against the concerned persons in the pending suit for any preventive relief.

Therefore, the Writ Petition is disposed of leaving it open to the petitioner to work out his remedies in the pending suit. There shall be no order as to costs.

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L. NARASIMHA
REDDY, J

Date: 18.06.2007
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